

**STATE OF NEW MEXICO ENVIRONMENT DEPARTMENT
STORAGE TANK COMMITTEE MEETING
Toney Anaya Building
Rio Grande Room
2600 Cerrillos Road
Santa Fe, NM 87505**

June 2010 Minutes

The meeting of the Storage Tank Committee was called to order by Mr. Jim Norton Chair, at 10:16 a.m.

Members Present:

Jim Norton, Chair
Ryan Briggs, STC Member
Joseph Chavarria, STC Member
Paul Aguilar, STC Member

Others:

Jim Davis, NMED/PSTB
Marlene Cordova, NMED/PSTB
Stephen Reuter, NMED/PSTB
Kalvin Martin, NMED/PSTB

Members Absent:

Ruben Baca, STC Member
Bruce Thompson, STC Member

Lorena Goerger, NMED/PSTB
Susan von Gonten, NMED/PSTB
Dawn Bascomb, NMED/PSTB

Item #1 ROLL CALL

Roll call was taken and it was determined a quorum was present.

The Chair stated for the record that a new member has been added to the Committee to fill the vacant position. The newly appointed member is Dr. Bruce M. Thomson who will serve on the Committee as a private citizen.

Item #2 APPROVAL OF THE AGENDA

Mr. Davis requested that the Committee hold an Executive Session, in place of item #8 Other Business and move item #9 in place of item #8 so that the audience can leave if they choose while the Committee is in Executive Session.

A motion was called; Mr. Chavarria moved to approve the agenda with changes Mr. Aguilar seconded the motion. Motion passed unanimously.

Item #3 APPROVAL OF APRIL 2010 MINUTES

The Chair asked if there were any changes in the minutes.

Since no changes were made to the minutes a motion was called. Mr. Briggs moved to approve the April minutes seconded by Mr. Aguilar. Motion passed unanimously.

Item #4 CORRECTIVE ACTION FUND UPDATE

Ms. Marlene Cordova, Finance Manager took the Committee through the months of March and April.

March 2010

Beginning Cash	\$ 11,909,081	Reserve	\$ 1,000,000
Loading Fee	1,391,988	Work plan liabilities	9,454,070
Payment	(1,085,867)	Un-obligated	1,761,131
Operating Transfer	(0)		
Ending Cash	\$ 12,215,202		

Ms. Cordova reminded the Committee that the Operating Transfer for March was taken out in February.

April 2010

Beginning Cash	\$ 12,215,202	Reserve	\$ 1,000,000
Loading Fee	\$ 1,281,793	Work plan liabilities	9,210,951
Payment	(739,843)	Un-obligated	1,803,632
Overpayment	\$ 7,691		
Operating Transfer	(750,258)		
Ending Cash	\$ 12,006,893		

Ms. Cordova explained that a deposit of \$7,691.00 was due from cash back from the contractors. An over payment on two checks was made from the Bureau. After review, the Bureau was able to receive these over payments back and credited the fund.

The Committee continued a discussion regarding yearly cost comparisons.

The Chair asked at the last meeting for a breakdown of House Bill 19 funds to be presented to the Committee at this meeting.

The Chair asked that the House Bill spreadsheet be included in the minutes because House Bill 19 has a 30% limit. The spreadsheet shows that if all the Bureaus had spent all their money the department would have been right at the 30% limit. However, because they did not, the department is well under the 30% limit and this spreadsheet provides some documentation of that.

Mr. Davis wanted to make clear that the amount the Storage Tank Bureau uses is not counted in that 30%. The \$312,973.99, which is the largest payback, is actually not part of that 30%. So to do the 30% calculation you need to first subtract the \$312,973.99, and then the remainder of that amount would be less than the 30%.

Ms. Cordova also presented the Committee with two spreadsheets on turnaround times, for claims that went through the Bureau. A discussion followed regarding the turnaround times and procedures for these claims. Mr. Davis stated that the new enhanced features of the database have been achieved within the last three months. This has been the direct result of the Applications Developer the Bureau has hired with stimulus money. His name is Min Lee.

(The entire monthly report is available at www.nmenv.state.nm.us/pstc)

Item # 5 REMEDIAL ACTION SITES UPDATE

Mr. Stephen Reuter, Manager for District 1 took the Committee members through the months of March and April.

Below are the workplan approvals reported by month:

March 2010

<u>Responsible Party</u>	<u>State Lead</u>
17 \$ 443,218.56	11 \$ 3,181,183.81
<u>Addendums</u>	<u>Addendums</u>
1 \$ 4.78	2 \$ 2.38
Total \$ 443,223.34	Total \$ 3,181,186.19
GRAND TOTAL \$ 3,624,409.53	

March 2010

<u>ARRA WorkPlans</u>	
11 \$ 309,012.93	
Total \$ 309,012.93	
GRAND TOTAL \$309,012.93	

Mr. Reuter reported that *March* workplan approvals for Responsible Party (RP) included a MSA at Sundial Deil-Mart #3 in Bloomfield for excavation work, also maintenance of an engineered system at Gascard 1 site in Albuquerque. Work was also done at Mustang #7214 in Bloomfield, which has a fairly large plume and an investigation is going on at this site. For State Lead (SL) remediation, workplan approvals included costs for the Santa Fe County Judicial Complex for a remediation installation system that is outside the Judicial Complex itself. Also workplan approvals for the Former Grants Maverick Country Store in Grants for operation and maintenance and the Mike's Auto Detail site in Belen. The Bureau is installing a thermo-oxidizer for the strong vapors at this site. Mr. Davis stated that a similar method is being used at the Santa Fe Judicial site. Mr. Reuter reported that with the ARRA workplans, money was approved for S & L Service Station in Belen for investigation and implementation of cleanup at this site.

The Chair asked that a presentation on the Mike's Auto Detail in Belen be presented at the next meeting.

April 2010

<u>Responsible Party</u>		<u>State Lead</u>	
12	\$ 377,013.86	2	\$297,556.42
<u>Addendums</u>		<u>Addendums</u>	
1	\$ 4.37	1	\$ 1.19
Total	\$ 377,018.23	Total	\$ 297,557.61
GRAND TOTAL		\$674,575.84	

April 2010

<u>ARRA WorkPlans</u>	
2	\$ 13,524.51
Total	\$ 13,524.51
GRAND TOTAL	\$13,524.51

Mr. Reuter reported that *April* workplan approvals for Responsible Party (RP) included Love's #257 site in Milan. A PowerPoint presentation on this site was given at the meeting. A hard copy of the presentation will be available on the PSTB website. For State Lead (SL) a workplan was approved for the Santa Fe County Judicial Complex for remediation work on this site. Mr. Reuter reported that with the ARRA workplans the Bureau is 100% obligated with these federal funds. Mr. Davis stated that a lot of these costs still have not materialized as of yet. The work is ongoing, but the claims against this money have not yet been submitted to the Bureau. Mr. Davis expects the Bureau to cut checks for these claims in the next four to six weeks.

Mr. Chavarria wanted to know when the closeout was on the ARRA funds.

Mr. Davis stated that the Bureau has a date of September 30, 2010. He did not think the Bureau will be able to spend it all by then, so the Bureau has submitted a no cost extension thru September 30, 2011. He expects that all the costs will materialize by then. This was submitted to EPA in April.

The Chair and Committee members asked that a tour be set up after the next meeting in September of the Santa Fe County Judicial Complex so that they can tour this site.

A PowerPoint presentation was given on the Love's #257 site in Milan by Dawn Bascomb. A discussion followed after the presentation about the cleanup site. Mr. Davis asked Mr. Reuter to give an update to the City Council of Milan about this site at the next City Council meeting in Milan.

Item # 6 PREVENTION AND INSPECTION UPDATE

Mr. Kalvin Martin, Prevention Inspection Program Manager, updated the Committee on his Program. Mr. Martin spoke about upcoming above storage tank upgrades that will happen in July

2011. Upgrades will consist of installation of secondary containment for above ground storage tanks. Also installation for double walled piping of any facility that had single walled piping, replacement or closure of USTs used as above ground tanks and installation of other equipment like emergency vents. The Bureau has 600 AST facilities that will need this done by July 2011. Also the Bureau has been working with owners on Operator Training that is coming up July 2010. Mr. Martin talked about Eveready Oil in Albuquerque that went out of business recently; the Bureau will be working with the trustee to get the residual fuel in some of the locations removed.

Mr. Martin spoke about the Love's facility in Milan. He stated that the Bureau was made aware of the leak in October of 2009. This was because the owner was starting to see a shortage of fuel in their inventory especially during the month of October. The program will do some more investigation work on this. A discussion followed regarding the inspection on this site and how future inspections will be preformed so that the inspectors can get a better look at the system at the site they are inspecting to see if leaks are found. The program has come to the conclusion that the best way to do this is to actually shut the system down for an hour to see if they detect any leaks or not. The program will be working with owners to get this test done.

Item # 7 REGULATION PROCESS UPDATE

Mr. Jim Davis gave the update for Ms. Jennifer Pruett, Tank Fee Manager. He began with Invoicing and Tank Fees: The program sent out 881 invoices, with notice of new rulemaking and stakeholder meetings planned for late summer, early fall of this year. The program also has begun to receive on a daily basis between 15 to 20 checks. On Accounts Receivable for FY2010, the Program has collected \$227,131.00 with \$1,398,643.00 uncollectable. The ratio of 14% collectible to 86% uncollectible for the program continues.

Mr. Davis continued with Operator Training. The Bureau's first deadline for training is July 1, 2010 for owners of thirteen or more facilities in New Mexico. The program has approved Operator Training Programs for Class A/B operators, co-sponsored by NM Petroleum Marketers Association and Williams/TMS. This is scheduled for the week of June 14, 2010 in Farmington and Albuquerque. Classroom training for operators by Delta is aimed primarily at in-house training for contracted companies. There are also online courses for Class C operators by Petroleum Training Solutions and in-house Class C online courses for Stripes, Valero and Circle K. Information on courses can be found on the PSTB webpage: Announcements and Operator Training links.

Mr. Davis concluded with Rule Revision. He stated the program had an EIB hearing in November of this year to bring emergency generator tanks back into the regulations, with other more minor changes to Part 1. Also, an EIB hearing will be held in May of 2011 on delivery prohibition and enforcement, plus other changes to remediation and tank requirements. The program is planning on holding stakeholder meetings around the state in August and September on fast-track rules, Operator Training information and introduction into slow-track rules.

Item # 8 NEXT MEETING

The next meeting is scheduled for September 17, 2010.

Item # 9 OTHER BUSINESS

A motion was called; Mr. Chavarria moved that the Committee go into a closed meeting as authorized in NMSA 1978, 10-15-1.H(7) to discuss possible litigation involving cost recovery as requested by the Committee at its last meeting. A roll call of the Committee members was taken to go into Executive Session. It was determined a quorum agreed to go into Executive Session. Motion passed unanimously.

The Committee went into Executive Session so all persons left the room except for the Committee members.

The Committee members later opened the doors to the meeting.

A motion was called; Mr. Briggs moved that the Committee go into open session as authorized in NMSA 1978, 10-15-1.H(7) the only thing that was discussed was possible litigation involving cost recovery as requested by the Committee at its last meeting. A roll call of the Committee members was taken to come out of Executive Session. It was determined a quorum agreed to come out of Executive Session. Motion passed unanimously.

Item #10 ADJOURNMENT

Mr. Aguilar moved to adjourn the Meeting. Mr. Briggs seconded. Motion passed unanimously.

The meeting adjourned at approximately 11:45 a.m.



Mr. Jim Norton, Chairman

Minutes prepared by: Trina Page